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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Written statement submitted by the Transnational Radical Party, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 July 1997]

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1. "Freedom of expression and association are essential to sustained progress", as stated in Convention No. 87 of the International Labour Organization, is the perspective chosen by the Transnational Radical Party (TRP) and its partner organization Human Rights in China (HRIC) to address the issue of the right to development. Bearing in mind that, as enshrined in the 1986 Declaration on the Right to Development, the "enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms", TRP and HRIC would like to bring to the attention of the Sub-Commission the deteriorating situation of workers in Chinese state-owned enterprises and the lack of independent trade unions to protect the basic rights of subsistence of these workers.

2. On the positive side, China's rapid economic growth has given rise to improved living conditions. However, in addition to the income and regional disparities which TRP and HRIC believe are not conducive to the realization of the right to development, there has been a serious deterioration in the plight of the workforce in the public sector. For instance, according to recent reports that have reached TRP and HRIC, several scores of laid-off workers demonstrated in Mianyang city, Sichuan province, from mid-June to early July. Demonstrators appealed to the Government for their welfare benefits after their state-run textile factories declared bankruptcy and officials embezzled the unemployment relief money to which the workers are legally entitled. The authorities responded by sending the People's Armed Police, who suppressed the protests with force and apprehended a number of demonstrators, and by imposing a curfew. Public security officials ordered hospital personnel not to treat wounded demonstrators. In an editorial, the official Mianyang Daily accused hostile foreign and domestic forces of stirring up the trouble. Sichuan dissident Li Bifeng issued an open letter to international labour organizations, urging them to call on the Government of China to safeguard people's right to subsistence, to release all detained workers and to punish corrupt officials. Li Bifeng is now wanted by the police and had to go in hiding.

3. This is by no means an isolated example. Similar events are reported to have occurred throughout the country. TRP and HRIC are concerned that the current economic reforms launched by the Government to rid China of its no longer profitable, obsolete and debt-ridden state enterprises do not take into account the interests and the basic needs of the workers. Laid-off workers and those who are faced with wage arrears find it increasingly difficult to meet their daily subsistence needs. Once they are made redundant, they also lose the social benefits traditionally granted to them by their enterprises, including housing allowances and medical care. Rampant corruption and embezzlement of public funds at all levels of Government further jeopardize the living conditions of workers in the public sector. TRP and HRIC are concerned that in this period of economic transition, the official All China Federation of Trade Unions (ACFTU), which remains a tool in the hands of the Chinese Communist Party, has so far been unable to address these new issues by means of negotiation. TRP and HRIC are also concerned that the use of force by the Government is not likely to promote social stability. Workers are not allowed to express their problems peacefully, and independent organizations to protect their interests are illegal. TRP and HRIC firmly believe that the right to development cannot be fulfilled when freedom of expression and association are so blatantly violated.

4. All efforts at establishing independent trade unions, outside of the official All-China Federation of Trade Unions have been met with government suppression. For example, Shenzhen-based labour activists Li Wenming, 28, and Guo Baosheng, 25, were sentenced in May 1997 to three and a half years' imprisonment for the crime of "conspiracy to subvert the Government". Starting in 1993, Li Wenming carried out labour rights education among migrant workers through public meetings. Both men, who were apprehended in May and June 1994, had attempted to register an organization for migrant workers called the "Federation of Hired Hands" and published a newsletter entitled "Workers' Forum". Other charges involved their circulating dissident writings, including essays by Nobel Peace prize nominee Wei Jingsheng.

5. Shortly after it had applied for official registration, the League for the Protection of the Rights of the Working People (LPRWP) was banned and its key members arrested in spring 1994. This organization addressed the plight of the workers in the course of the economic reforms and called for the establishment of legal safeguards for the workers' rights, and for the right to set up independent organizations. One of the founding members, Zhou Guoqiang, was ordered to serve a three-year term of "re-education through labour" without any judicial proceedings. In 1995 an additional sentence was added to his term for an alleged escape attempt. In June 1997, he had his sentence extended by 288 days for "refusing to reform himself". He was initially accused of "collaborating with hostile organizations and elements both inside and outside the country to carry out anti-government activities". When another prominent member of the League, Liu Nianchun, protested against the illegal extension of his re-education through labour sentence for the same motive in June 1997, camp authorities beat him up and locked him in a dark, narrow cell.

6. During the nation-wide democratic movement of May-June 1989, workers' autonomous associations were established in a number of cities. Their aim was to protect the rights of workers independently of the control of the Chinese Communist Party. Their leaders received some of the harshest sentences in the wake of the 4 June massacre. They include Tang Yuanjuan, sentenced to 20 years' imprisonment, Leng Wangbao, to 13 years, Lin Wei, to 8 years, and Wang Miaogen, committed to a mental asylum for an indefinite term.

7. To conclude, TRP and HRIC call on the Government of China to release immediately and unconditionally all those who are held in prison, labour camp and mental institutions for peacefully advocating labour rights, including the right to set up independent organizations. TRP and HRIC urge the Government of China to respect the judgement of the Working Group on Arbitrary Detention on the "arbitrary" nature of re-education through labour. TRP and HRIC call on the Government of China to respect immediately the ILO Freedom of Association and Protection of the Right to Organize Convention (No. 87) and the ILO Right to Organize and Collective Bargaining Convention (No. 98). Finally, as a necessary guideline to ensure fully the realization of the right to development, TRP and HRIC respectfully remind the Government of China of its commitment announced during the fifty-third session of the Commission of Human Rights to ratify the International Covenant on Economic, Social and Cultural Rights before the end of 1997, and resolutely encourage this Government to ratify the International Covenant on Civil and Political Rights.